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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/817,265

04/02/2004

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07/20/2007

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EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT

PAPER NUMBER

2859

MAIL DATE

DELIVERY MODE

07/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/817,265

Examiner

Gail Verbitsky

Applicant(s)

FAOUR ET AL.

Art Unit

2859

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 03 July 2007 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

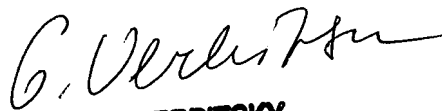
3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Applicant's arguments filed 07/03/2007 have been fully considered but they are not persuasive. Applicant states that Davidson cannot be combined with Deng. This argument is not persuasive because: A) the Examiner recognizes that there should be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). The references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969.

Applicant states that the Prior Art by Deng does not teach the claimed invention in that the Prior Art outputs a reference current based on input voltage (not current). This argument is not persuasive because the Prior Art in Fig. 1 discloses a circuit 100 outputting/ providing a current. The outputted current is Iout which is constant current and is regulated by a reference current (by adjusting a resistance 106 by adjusting the reference current). In this case, the resistance 106 is acting as a constant current source needed to be controlled/ adjusted by the reference current and connected to the Iref by means of a third pad 108.

The fact that (in one embodiment) the method comprises generating an output current based on an input voltage is irrelevant because the Applicant has never claimed otherwise (or Applicant has never rule out of having an input voltage). Applicant has never claimed the particular elements of the current circuit. Also, in response to Applicant's argument that the reference includes an additional structure (feature) not required by Applicant's invention, it must be noted that the reference discloses the invention as claimed. The fact that it discloses additional structure (feature) not claimed by Applicant is irrelevant.

Also, please note that, since the term "pad" is too broad, any connections between the elements of the circuits could be considered as a pad (i.e., bump, bond, wire, etc).



GAIL VERBITSKY
PRIMARY EXAMINER